

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

September 20, 2007

The Marlboro Township Council held its regularly scheduled meeting on September 20, 2007 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Cantor opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 5, 2007; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilwoman Morelli, Councilman Pernice, Council Vice President Rosenthal, Councilwoman Tragni and Council President Cantor.

Also present were: Mayor Robert Kleinberg, Andrew Bayer, Esq., Municipal Clerk Alida Manco, and Deputy Clerk Deborah Usalowicz.

Council President Cantor opened the Public Hearing on Ordinance # 2007-15 (Amend Chapter 147 - Wreckers Ordinance). After the Public Hearing was held and closed, there was a brief discussion between Mayor and Council members. After discussion, motion to table Res. #2007-305/Ord. #2007-15 (Amend Chapter 147 - Wreckers Ordinance) to the Oct. 18th meeting was introduced by reference, offered by Councilwoman Morelli, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

Council President Cantor opened the Public Hearing on Ordinance # 2007-18 (Amending Pay to Play). After the Public Hearing was

held and closed, the following Res. # 2007-306/Ord. # 2007-18 (Amending Pay to Play) was introduced by reference, offered by Councilman Pernice, seconded by Councilwoman Tragni and was then passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-306

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2007-18

ORDINANCE ADOPTING SPECIAL PAY-TO-PLAY RESTRICTIONS FOR PROFESSIONAL SERVICE CONTRACTS, EXTRAORDINARY UNSPECIFIABLE SERVICE CONTRACTS AND DEVELOPERS AND RE-DEVELOPERS

which was introduced on September 6, public hearing held September 20, 2007, be adopted on second and final reading this 20th day of September, 2007.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

WHEREAS the Legislature has determined it is the public policy of the State of New Jersey to reduce the risk of actual or perceived corruption which may result when public contracts or land use approvals and/or redevelopment agreements are awarded to those individuals or business entities that have made campaign contributions to elected officials having control, or apparent control, over the awarding of those contracts, or to political party committees or to political action committees at various levels of government that may have influence over the officials responsible for awarding such contracts, by enacting pay-to play legislation; and

WHEREAS the Legislature has authorized municipalities such as Marlboro Township to enact local pay-to-play legislation; and

WHEREAS there have been significant public corruption issues in Marlboro Township over the past four years, wherein former appointed and elected officials have been convicted in the United States District Court, District of New Jersey of accepting monetary payments for land use approvals, including former Mayor Matthew Scannapieco, former Marlboro Township Municipal Utilities Authority Chairman Richard Vuola, former

Western Monmouth Utilities Authority Executive Director Frank Abate and former Planning Board Member Stanley Young.

WHEREAS, there are pending federal criminal indictments against local developers Anthony Spalliero, Steven Meiterman, Bernard Meiterman and Edward Kay which allege that these individuals made unlawful monetary payments to Marlboro Township elected or appointed officials in exchange for land use approvals;

WHEREAS, the federal authorities are continuing to probe and investigate corruption by former Marlboro Township officials and developers;

WHEREAS there is an ongoing election for public office in Marlboro Township and the Township has determined to adopt this ordinance to stop the nefarious practice of wheeling campaign contributions in order to avoid pay-to-play restrictions; and to prohibit developers and redevelopers seeking land use approvals from Marlboro Township officials from unduly influencing the election placing their own private interests above the public interest; and to assure the public that the campaign process is free from the taint of undesirable campaign fund raising practices;

WHEREAS, due to the corrupt practices of previous Marlboro Township officials and developers, the Mayor and Township Council has taken already and is seeking to take additional action necessary to restore the public's trust in Marlboro Township;

WHEREAS, the County of Monmouth established a pay-to-play policy effective September 1, 2007 which is more restrictive than the Township's current pay-to-play ordinance and the Township is seeking to implement the current ordinance as expeditious as possible so that it dovetails with the requirement of Monmouth County's pay to-play policy and wheeling of campaign contributions is stopped.

NOW THEREFORE BE IT RESOLVED that as a result of the reasons set forth herein and the important public policies enunciated, this ordinance will take effect immediately as an emergency and in accordance with N.J.S.A.40:69A-181 (b).

Council President Cantor opened the Public Hearing on Ordinance # 2007-19 (Amending Certificates of Continued

Occupancy Ordinance). As there was no one who wished to speak, the Public Hearing was closed. After discussion, the following Res. # 2007-307/Ord. # 2007-19 (Amending Certificates of Continued Occupancy Ordinance) was introduced by reference, offered by Councilman Pernice, seconded by Councilwoman Morelli and was then passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-307

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2007-19

AN ORDINANCE AMENDING CHAPTER 113 "PROPERTY MAINTENANCE",
§ 113-2 "CERTIFICATE OF CONTINUED OCCUPANCY"
OF THE CODE OF THE TOWNSHIP OF MARLBORO

which was introduced on September 6, public hearing held September 20, 2007, be adopted on second and final reading this 20th day of September, 2007.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Council President Cantor opened the Public Hearing on Ordinance # 2007-20 (Amending Chapter 84 - RSCS Ordinance). As there was no one who wished to speak, the Public Hearing was closed. The following Res. # 2007-308/Ord. # 2007-20 (Amending Chapter 84 - RSCS Ordinance) was introduced by reference, offered by Councilwoman Morelli, seconded by Council Vice President Rosenthal and was then passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-308

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2007-20

AN ORDINANCE AMENDING CHAPTER § 84-45.1 "RSCS SENIOR
CITIZEN RESIDENTIAL AND SINGLE-FAMILY DISTRICT"
OF THE CODE OF THE TOWNSHIP OF MARLBORO

which was introduced on September 6, public hearing held September 20, 2007, be adopted on second and final reading this 20th day of September, 2007.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

The following Res. # 2007-309/Ord. # 2007-21 (Amending Chapter 84 - Front Yard Setbacks) was introduced by reference, offered by Council President Morelli, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-309

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2007-21

AN ORDINANCE AMENDING CHAPTER § 84-97
"ACCESSORY BUILDINGS AND STRUCTURES"
OF THE CODE OF THE TOWNSHIP OF MARLBORO

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on October 4, 2007 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2007-21

AN ORDINANCE AMENDING CHAPTER § 84-97
"ACCESSORY BUILDINGS AND STRUCTURES"
OF THE CODE OF THE TOWNSHIP OF MARLBORO

WHEREAS, Chapter 84, Section 97 of the Code of the Township of Marlboro ("Township") sets forth the regulations regarding accessory buildings and structures in the Township; and

WHEREAS, currently corner lots and lots that front on more than one road are considered to have two front yards and must comply with the requirement that accessory structures be

setback twice the required front yard setback required for the principal structure; and

WHEREAS, the current requirement for corner lots and lots that front on more than one road causes a hardship for Township residents and denies the placement of a shed, gazebo or pool without the homeowner obtaining a variance; and

WHEREAS, the Township Council has determined that it is necessary to amend the requirements regarding accessory buildings or structures in a front yard to require a single front yard setback for accessory structures in the second front yard; and

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that Chapter §84-97 "Accessory buildings and structures" be and hereby is amended as follows (additions to said subsection are underlined and deletions are crossed-out):

§ 84-97. Accessory buildings and structures.

E. Location. Accessory buildings or structures may be erected on lots in accordance with the schedule of limitations, except that no commercial animal shelter shall be erected nearer than 500 feet, or any livestock shelter nearer than 100 feet, to any lot line, and except that these provisions shall not apply to parking spaces in front yards. If located in a front yard, accessory buildings or structures shall be set back a minimum of twice the distance from any street line than is required for a principal building. Accessory structures in second front yards shall be set back the same distance from the street line as the principal structure is required to be set back. If located on a corner lot, the provisions of this chapter also apply.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect on upon passage and publication in accordance with applicable law.

Motion to table Res. # 2007-310 (Appointment Agricultural Advisory Committee - Harry Cross - to fill unexpired term of Dee Lembo, Expiring 12/31/07) was introduced by reference, offered by Council Vice President Rosenthal and seconded by Councilwoman Morelli and passed on a roll call vote of 5 - 0 in favor.

The following Res. # 2007-311 (Authorizing Sale of Plenary Retail Consumption License) was introduced by reference, offered by Councilman Pernice, seconded by Councilwoman Tragani and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-311

RESOLUTION OF THE TOWNSHIP OF MARLBORO AUTHORIZING THE
ISSUANCE OF ONE (1) PLENARY RETAIL CONSUMPTION LICENSE

WHEREAS, in accordance with state law and pursuant to Section 42-1 of the Code of the Township of Marlboro, the Mayor and Township Council may authorize the issuance of up to twelve (12) plenary retail consumption licenses; and

WHEREAS, currently, eleven (11) plenary retail consumption licenses have been issued by the Township; and

WHEREAS, the Mayor and Township Council, having considered the same, now wish to authorize the issuance of one (1) additional plenary retail consumption license and the advertisement for the receipt of sealed bids therefor as set forth below.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey that the issuance of one (1) plenary retail consumption license and the advertisement for the receipt of sealed bid therefor is hereby authorized pursuant to *N.J.S.A. 33:1-19, et seq*;

BE IT FURTHER RESOLVED that the Township of Marlboro shall hold a public sealed bid sale for the aforesaid license;

BE IT FURTHER RESOLVED that the following requirements and conditions must be met by any and all prospective bidders:

1. All bidders must be pre-qualified and only the bids of bidders qualified to have an interest in a retail alcoholic beverage license under the standards set forth in the *Alcoholic Beverage Control Act*, the regulations promulgated thereunder and any applicable provisions of the Code of the Township of Marlboro will be opened.

2. To pre-qualify, a prospective bidder must, on or before 10:00 A.M. on October 30, 2007, submit the following to the Township Clerk at 1979 Township Drive in Marlboro, New Jersey in a sealed envelope stating the name of the bidder and "2007 Liquor License Bid":

(a) A full and complete twelve (12) page Alcoholic Beverage Control License Application form, including the required municipal license fee of \$2,000.00 (the municipal license fee of an unsuccessful bidder shall be returned after the award of the license, less an administrative fee of ten percent (10%) of such license fee), and the required State license fee of \$200.00;

(b) A separate signed Certification of Proof of Compliance by the prospective bidder that it/he/she meets any and all conditions or requirements contained in this Resolution and Chapter 42 of the Code of the Township of Marlboro, including without limitation the distance restriction contained in Section 42-2(A), and knows of no reason why it/he/she would be disqualified from having an interest in a Retail Liquor License in New Jersey under the standards set forth in the *Alcoholic Beverage Control Act* and the rules and regulations promulgated thereunder;

(c) A separately sealed envelope with the prospective bidder's deposit fee of \$80,000.00 (by bank check or certified check) which shall be non-refundable to the successful bidder after the award of bid; and

(d) Bid proposal.

3. The minimum bid for the plenary retail consumption license is \$800,000.00. The Mayor and Township Council reserve the right to reject all bids if the highest bid is not accepted.

4. At 3:00 P.M. on October 30, 2007, the Township Clerk shall publicly announce those prospective bidders who have pre-qualified. A list of such pre-qualified bidders shall also be posted on the public announcements bulletin board in the Municipal Building.

5. The Clerk of the Township of Marlboro will open any and all sealed bids received from pre-qualified bidders on 10:00 A.M. on November 6, 2007 at the office of the Marlboro Township Clerk, 1979 Township Drive, Marlboro, New Jersey. No bid will be opened from or on behalf of any bidder who does not pre-qualify or has not submitted proof of qualification. Immediately after opening the sealed bids of the pre-qualified bidders, the Township Clerk shall publicly announce the amount of each bid received and the name of each bidder.

6. The Township Council, shall, by written Resolution, adopted at a public meeting, either award the license to the highest qualified bidder or reject all bids. If the award is made to the highest qualified bidder, the ultimate issuance of the license shall be subject to each of the following terms and conditions:

(a) Payment of the balance of the bid by certified check made payable to the "Township of Marlboro" upon the earlier of the following: (i) the issuance of a Certificate of Occupancy for the licensed location; or (ii) by March 6, 2008, whichever occurs first. Failure to make timely payment of such balance shall, at the option of the Township, result in voiding of the license award and forfeiture of the successful bidder's deposit whereupon the Township may, subject to law, award the license to the remaining highest qualified bidder or determine to take no action;

(b) Payment of the State License Application Fee;

(c) Payment of the Annual Municipal Retail License Fee;

(d) Satisfactory outcome of further municipal background checks to investigate the source of funds used to purchase the license;

(e) Receipt of favorable State and/or Federal criminal background checks; and

(f) Compliance with the publication, hearing and Resolution requirements under *N.J.A.C. 13:2-2.1 et seq.*

The deposit(s) of all unsuccessful bidders shall be returned within ten (10) days of the date of the award.

7. The sale may be postponed or canceled at any time prior to the opening of the bids.

8. Prospective bidders shall also comply with all other provisions of *N.J.A.C. 13:2-2-1 et seq.*, including, but not limited to, publication of notice of application.

BE IT FURTHER RESOLVED that notice of the public sale of the plenary retail consumption license be in conformance with N.J.S.A. 33:1-19.4; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be provided to each of the following:

- a. Township Administrator
- b. Township Chief Financial Officer
- c. Gluck Walrath LLP

The following Res. # 2007-312 (Authorizing Contract Legal Services - Stephen Dratch - Franzblau Dratch, P.C. - Special Counsel) was introduced by reference, offered by Council Vice President Rosenthal, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-312

A RESOLUTION AUTHORIZING THE EXECUTION OF A
CONTRACT FOR SPECIAL COUNSEL SERVICES BETWEEN THE
TOWNSHIP OF MARLBORO AND FRANZBLAU DRATCH, P.C.

WHEREAS, there exists a need for the Township Attorney to employ special counsel to provide legal services to the Township of Marlboro with respect to litigation to be commenced against previous elected and appointed Township officials and other individuals, corporations and organizations that illegally influenced Township actions and contracts; and

WHEREAS, the Township Attorney is authorized pursuant to Section 4-70 of the Township Code of the Township of Marlboro to hire such additional counsel as he deems necessary, with the authorization of the Township Council; and

WHEREAS, the law firm of Franzblau Dratch, P.C., has presented a contract for execution by the Township whereby Franzblau Dratch, P.C. seeks to provide legal representation to the Township on a contingency basis with Franzblau Dratch, P.C. responsible for advancing out-of-pocket disbursements; and

WHEREAS, award of the contract as presented by Franzblau Dratch, P.C. is in the best interests of the Township because the contingency fee arrangement will ensure that any previous Township elected or appointed official or other individual, corporation and organization that illegally influenced Township

action or contracts are civilly prosecuted without necessitating the payment of legal fees on an ongoing basis; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract in a form satisfactory to the Township Attorney substantially similar to the form attached hereto between Franzblau Dratch, P.C. and the Township of Marlboro for the provision of legal services to the Township of Marlboro with respect to litigation against previous Township elected and appointed officials and other individuals, corporations and organizations that illegally influenced Township actions and contracts. Franzblau Dratch, P.C. shall perform only those legal services authorized by the Township Attorney; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to each of the following:

- a. Franzblau Dratch, P.C.
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath, LLP

The following Res. # 2007-313 (Renewal of Contract - Snow Plowing) was introduced by reference, offered by Councilwoman Morelli, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-313

A RESOLUTION AUTHORIZING THE RENEWAL OF CONTRACTS BETWEEN
LUCAS CONSTRUCTION GROUP, GLISSEN LANDSCAPING, LUCAS

BROTHERS INC., TJ'S LAWN MAINTENANCE, AND TRIPLE C
NURSERY AND THE TOWNSHIP OF MARLBORO FOR THE PROVISION OF
SNOW REMOVAL SERVICES FOR THE DEPARTMENT
OF PUBLIC WORKS

WHEREAS, in 2006 the Township of Marlboro authorized the acceptance of bids for the provision of snow removal services for the Township of Marlboro Department of Public Works for nine (9) different section of the Township; and

WHEREAS, by Resolution #2006-352, the Township Council awarded a one (1) year contract with the option to renew for one (1) additional year to Triple C. Nurseries for the provision of snow removal services in Sections 4, 5, 8 and 9 of the Township; and

WHEREAS, by Resolution #2006-408, the Township Council awarded a one (1) year contract with the option to renew for one (1) additional year to Glissen Landscaping for the provision of a portion of snow removal services in Sections 1, 3, 6 and 7 of the Township; and

WHEREAS, by Resolution #2006-409A, the Township Council awarded a one (1) year contract with the option to renew for one (1) additional year to Lucas Brothers, Inc. for the provision of a portion of snow removal services in Sections 1, 3, 6 and 7 of the Township; and

WHEREAS, by Resolution #2006-407, the Township Council awarded a one (1) year contract with the option to renew for one (1) additional year to Lucas Construction Group for the provision of snow removal services in Section 2 of the Township; and

WHEREAS, Administration and the Director of Public Works have determined that the contractors that provided snow plowing services for the Township in the 2006-2007 snowplowing season did an acceptable job and recommend that the option to renew the contract with these contractors for one (1) additional year for the provision of snow removal services be exercised for Sections 1 through 9; and

WHEREAS, the Township Council desires to accept the aforementioned recommendations and to exercise the option to renew the contracts entered into between the Township of Marlboro and each of the contractors for one (1) year.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the one (1) year contract between the Township of Marlboro and Lucas Construction Group for the provision of snow removal services for the Township of Marlboro Department of Public Works be and hereby is renewed for one (1) year in an amount not to exceed \$11,400.00 for 2007 and, conditioned upon the adoption of a budget for 2008, in an amount not to exceed \$29,700.00 for 2008; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the one (1) year contract between the Township of Marlboro and Glissen Landscaping for the provision of snow removal services for the Township of Marlboro Department of Public Works be and hereby is renewed for one (1) year in an amount not to exceed \$5,248.50 for 2007 and, conditioned upon the adoption of a budget for 2008, in an amount not to exceed \$13,495.50 for 2008; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the one (1) year contract between the Township of Marlboro and Lucas Brothers, Inc. for the provision of snow removal services for the Township of Marlboro Department of Public Works be and hereby is renewed for one (1) year in an amount not to exceed \$5,248.50 for 2007 and, conditioned upon the adoption of a budget for 2008, in an amount not to exceed \$13,495.50 for 2008; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the one (1) year contract between the Township of Marlboro and TJ's Lawn Maintenance for the provision of snow removal services for the Township of Marlboro Department of Public Works be and hereby is renewed for one (1) year in an amount not to exceed \$17,395.00 for 2007 and, conditioned upon the adoption of a budget for 2008, in an amount not to exceed \$44,985.00 for 2008; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the one (1) year contract between the Township of Marlboro and Triple C Nursery for the provision of snow removal services for the Township of Marlboro Department of Public Works be and hereby is renewed for one (1) year in an amount not to exceed \$17,995.00 for 2007 and, conditioned upon the adoption of a budget for 2008, in an amount not to exceed \$46,485.00 for 2008; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for the provisions of services under these contracts for 2007, which is attached hereto, and that sufficient funds are available for said contract from Account Number 7-01-119-276; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Lucas Brothers, Inc.
- b. Glissen Landscaping
- c. TJ's Lawn Maintenance
- d. Triple C Nursery
- e. Director of Public Works
- f. Township Administrator
- g. Township Chief Financial Officer
- h. Gluck Walrath, LLP.

The following Res. # 2007-315 (Award of Bid - Basketball and Hockey Floor) was introduced by reference, offered by Council President Morelli, seconded by Councilman Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-315

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE
PROVISION OF SUSPENDED MODULAR TILE SPORTS FLOOR SYSTEMS
FOR THE TOWNSHIP OF MARLBORO RECREATION DEPARTMENT
COMMUNITY CENTER BASKETBALL COURTS AND INLINE HOCKEY RINK

WHEREAS, the Township of Marlboro ("Township") has authorized the acceptance of bids for the provision of suspended modular tile sports floor systems for the Township of Marlboro Recreation Department Community Center Basketball Courts and Inline Hockey Rink; and

WHEREAS, the bids sought were for Section I-Basketball Courts, Section II-Inline Hockey Rink and Alternate A-Basketball Indoor Interlocking Modular Tile System;

WHEREAS, the Recreation Department recommends that the Township only proceed with Section I and Section II of the bid specifications, but not Alternate A;

WHEREAS, the Township received one (1) bid from the following vendor for Sections I and II of the bid specifications in the following amount:

Mele Companies Inc. d/b/a/ Mateflex
2007 Beechgrove Place
Utica, NY 13501
Section I-\$47,538.00; Section II-\$40,735.00 for a total of \$88,273.00; and

WHEREAS, the Administration and the Township Attorney have reviewed the bid and recommend that the contract be awarded to Mele Companies Inc., d/b/a/ Mateflex, as the sole bidder; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township to award said contract to Mele Companies, Inc. d/b/a/ Mateflex, for the provision of suspended modular tile sports floor systems for the Township of Marlboro Recreation Department Community Center Basketball Courts and Inline Hockey Rink.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract for the provision of suspended modular tile sports floor systems for the Township of Marlboro Recreation Department Community Center Basketball Courts and Inline Hockey Rink be and hereby is awarded to Mele Companies, Inc. d/b/a/ Mateflex, and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township and Mele Companies, Inc. d/b/a/ Mateflex for provision of suspended modular tile sports floor systems for the Township of Marlboro Recreation Department Community Center Basketball Courts and Inline Hockey Rink in an amount not to exceed \$88,273.00, and in accordance with the bid proposal submitted by Mele Companies, Inc. d/b/a/ Mateflex; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number X-0455962946 (\$40,735.00 - hockey rink) and X-0455962945 (\$47,538.00 - basketball courts); and

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be provided to each of the following:

- a. Mele Companies, Inc. d/b/a/ Mateflex
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath LLP.

The following Res. # 2007-316 (Award of Bid - Recreation Adult Mini Bus) was introduced by reference, offered by Councilwoman Morelli, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-316

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE
PROVISION OF ONE NEW 2008 ADULT MINI BUS FOR THE
TOWNSHIP OF MARLBORO RECREATION DEPARTMENT

WHEREAS, the Township of Marlboro ("Township") has authorized the acceptance of bids for the provision of one new 2008 adult mini bus for the Township of Marlboro Recreation Department; and

WHEREAS, the Township received four (4) bids from the following vendors in the following amounts:

- A. American Bus & Coach, LLC
2595 East State Street
Trenton, NJ 08619
\$54,673.00
- B. Arcola Sales and Service Corp.
51 Kero Road
Carlstadt, NJ 07072
\$54,927.00
- C. Wolfington Body Company, Inc.
1315 Route 38, P.O. Box 160
Mt. Holly, NJ 08060
\$59,618.00
- D. Factory Direct Bus Sales, Inc.
65-51 Fresh Meadow Lane
Fresh Meadows, NY 11365
\$61,400.00; and

WHEREAS, the Administration and the Township Attorney have reviewed the bids and recommend that the contract be awarded to American Bus & Coach, LLC, as the lowest qualified bidder; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township to award said contract to the lowest qualified bidder, American Bus & Coach, LLC, for the provision of one new 2008 adult mini bus for the Township of Marlboro Recreation Department.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract for the provision of one new 2008 adult mini bus for the Township of Marlboro Recreation Department be and hereby is awarded to American Bus & Coach, LLC, and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township and American Bus & Coach, LLC for provision of one new 2008 adult mini bus for the Township of Marlboro Recreation Department in an amount not to exceed \$54,673.00, and in accordance with the bid proposal submitted by American Bus & Coach, LLC; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number X04-55-962-939; and

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be provided to each of the following:

- a. American Bus & Coach, LLC
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath LLP.

The following Res. # 2007-317 (Chapter 159 - "Over the Limit Under Arrest") was introduced by reference, offered by Council Vice President Rosenthal, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-317

RESOLUTION REQUESTING APPROVAL OF ITEMS OF
REVENUE AND APPROPRIATION (N.J.S.A. 40A:4-87)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

Section 1

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2007 in the sum of \$5,000.00, which item is now available as a revenue from the 2007 Over The Limit Under Arrest Grant, and

Section 2

BE IT FURTHER RESOLVED that the sum of \$5,000.00 is hereby appropriated under the caption "Over The Limit Under Arrest Grant".

The following Res. # 2007-318 (Chapter 159 - "Enhanced 911 General Assistance Grant") was introduced by reference, offered by Councilman Pernice, seconded by Councilwoman Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-318

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION (N.J.S.A. 40A:4-87)

WHEREAS, the Township of Marlboro has received documentation from the State of New Jersey representing different amounts for the award of the "NJ Enhanced 911 General Assistance Grant", and

WHEREAS, the Township of Marlboro has previously executed a Chapter 159 resolution during 2007 for the "NJ Enhanced 911 General Assistance Grant" in accordance with State issued documentation in the amount of \$35,584.00, and

WHEREAS, THE Township of Marlboro has subsequently received both documentation and a check from the State of New Jersey in the

amount of \$36,584 for the "NJ Enhanced 911 General Assistance Grant", and

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

Section 1

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2007 in the sum of \$1,000.00, which item is now available as an unappropriated grant on the financial records of the Township of Marlboro entitled "NJ Enhanced 911 General Assistance Grant", and

Section 2

BE IT FURTHER RESOLVED that the sum of \$1,000.00 is hereby appropriated under the caption "NJ Enhanced 911 General Assistance Grant".

The following Res. # 2007-319 (Chapter 159 - "Drunk Driving Enforcement Fund") was introduced by reference, offered by Councilwoman Morelli, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-319

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION (N.J.S.A. 40A:4-87)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

Section 1

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2007 in the sum of \$15,422.04, which item is now available as a revenue from Drunk Driving Enforcement Funds, and

Section 2

BE IT FURTHER RESOLVED that the sum of \$15,422.04 is hereby appropriated under the caption "Drunk Driving Enforcement Grant".

As the consent agenda, the following Resolutions were introduced by reference, offered by Council Vice President Rosenthal, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor: Res. #2007-320 (Redemption Tax Sale Cert. - Various), Res. #2007-321 (Duplicate Payment - B. 176, L. 7 C0500), Res. #2007-322 (Tax Sale Certificates to WMUA - Various), Res. #2007-323 (Veteran Deduction - B. 373, L. 17).

RESOLUTION # 2007-320

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$20,913.17 as per Schedule "A",

WHEREAS, the holders of the above-mentioned tax sale certificates are entitled to the amount of the sale plus interest and costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$20,913.17 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIEN HOLDER</u>	<u>AMOUNT</u>
04-16	360.01/3	Betty Simon, Trustee, LLC	\$19,482.83
165 Dutch Lane Rd.		P.O. Box 238	
		Northfield, NJ 08225	
07-36	346/1	Culmac Investors, Inc.	235.77
28 Collingwood Road		Box 251	
		Monmouth Beach, NJ 07750	

07-42	171/36.02	Culmac Investors, Inc.	385.13
57	Station Road	Box 251	
		Monmouth Beach, NJ 07750	

<u>CERT#</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
TSC#06-31	184/126	Berkshire Investments I	\$117.51
111 Valesi Drive			
TSC#07-14	151/3	Fidelity Tax, LLC	133.94
421 Route 79			
TSC#07-27	412.07/35	CCTS Tax Lien I	125.44
19 Woodpecker Way			
TSC#07-30	180/31	Plymouth Park Svcs	125.71
42 Nikki Court			

RESOLUTION # 2007-323

JEFF CANTOR,
COUNCIL PRESIDENT